



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/628,147	07/28/2000	Gordon Bradley Ryley	99216	3536

28970 7590 12/02/2004

SHAW PITTMAN
IP GROUP
1650 TYSONS BOULEVARD
SUITE 1300
MCLEAN, VA 22102

EXAMINER

BUI, BING Q

ART UNIT PAPER NUMBER

2642

DATE MAILED: 12/02/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/628,147

Applicant(s)

RYLEY ET AL.

Examiner

Bing Q Bui

Art Unit

2642

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,2 and 4-25 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1,2,4-14 and 18-25 is/are rejected.
- 7) ☒ Claim(s) 15-17 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 31 August 2004.
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: ____.

DETAILED ACTION

1. This action is in response to Applicant's Response filed on 31 August 2004.

Claim 3 has been cancelled; thus claims 1-2 and 4-25 are now pending in the present application. **This action is made final..**

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1, 11, 18, 20-21 and 24-25 are rejected under 35 U.S.C. 102(b) as being anticipated by Panosh (US Pat No. 5,559,874).

Regarding claim 1, referring to Figures 1-2, Panosh teaches a method for preventing telephone calls from being initiated using a current loop wire line telephone connection, which method comprises:

connecting a device (e.g., protective device "22") incorporating a switch hook (e.g., relay "62") to a telephone line (e.g., ring and tip lines "12" and "14");

detecting the use of the telephone line, by a telecommunication apparatus (e.g., unauthorized telephone unit "36") connected to the telephone line (see col. 2, Ins 31 – 44 and col. 5, Ins 2 - 10); and

Art Unit: 2642

activating the switch hook (e.g. energizing a coil of relay "62") to go off hook; whereby the telecommunication apparatus (e.g., unauthorized telephone unit "36") is unable to place an outgoing call using the telephone line (see col. 4, Ins 26 – 34 and col. 5, Ins 2 – 10).

Regarding claim 11, referring to Figures 1-2, Panosh teaches the method of claim 1, further including the subsequent step of activating a signaling device, whereby the signaling device indicates when an unauthorized telephone call is in progress (see col. 2, ln 45 – col. 3, ln 6).

As to claims 18, 20-21 and 24-25, they are rejected for the same reasons set forth to rejecting claims 1 and 11 above, since claims 18, 20-21 and 24-25 are merely a system for implementing the method defined in the method claims 1 and 11.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein

Art Unit: 2642

were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

5. Claims 2, 4-5 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Panosh (US Pat No. 5,559,874) in view of Newell (US Pat No. 4,953,202).

Regarding claim 2, Panosh fails to teach the method of enabling a security switch that can be enabled or disabled, wherein when the security switch is enabled, the switch hook is activated to go off hook during use of the telephone line by a telecommunication apparatus connected thereto. However, Newell teaches a method of enabling a security switch (e.g., switch 8 in figure 1) that can be enabled (e.g., activated) or disabled (e.g., deactivated), wherein when the security switch (e.g., switch 8 in figure 1) is enabled (e.g., activated), the switch hook (e.g., relay associated with switch 8) is activated to go off hook during use of the telephone line by a telecommunication apparatus connected thereto (see Fig. 1 and col. 7, lns 27-34). Therefore, integrating Newell's teachings into the system for preventing unauthorized call of Panosh would have been obvious for providing system user more control in using such system.

As to claims 4-5 and 19, they are rejected for the same reasons set forth to rejecting claim 2 above.

Art Unit: 2642

6. Claims 6-10 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Panosh (US Pat No. 5,559,874) as applied to claim 1 above, and further in view of Nataf (US Pat No. 5,889,836).

Regarding claim 6, referring to Figures 1-2, Panosh teaches the invention substantially as claimed, with the exception of providing the steps of:

generating a constant DTMF signal in response to detecting one or more DTMF signals; and

applying the constant DTMF signal to the telephone line; whereby DTMF dialing cannot take place on the telephone line.

However, Nataf teaches a method in which in response to an intrusion on the telephone line, a disruption signal in the form of period time square wave is applied to make the telephone unusable (see Abstract and col. 2, lns 33 – 50). Therefore, integrating Nataf's teachings into the system for preventing unauthorized call of Panosh would have been obvious for discouraging the unauthorized user to cease his illegal action.

Regarding claim 7, referring to Figures 1-2, Panosh further teaches the step of detecting one or more DTMF signals comprises the substep of detecting a predetermined sequence of DTMF signals (see col. 4, ln 66 – col. 5, ln 18).

Regarding claim 8, referring to Figures 1-2, Panosh further teaches the predetermined sequence of DTMF signals is programmable (see col. 4, ln 66 – col. 5, ln 18).

Art Unit: 2642

Regarding claims 9 - 10, referring to Figures 1-2, Nataf further teaches the subsequent step of recording the time and date corresponding to each detected unauthorized use of the telephone line, whereby a record of attempted calls is made (see col. 1, lns 55 – 59). Therefore, integrating Nataf's teachings into the system for preventing unauthorized call of Panosh would have been obvious to enable the CPE owner to have appropriate action for dealing with the intrusion.

Regarding claim 12, referring to Figures 1-2, Panosh further teaches the method of claim 6, further including the subsequent step of activating a signaling device, whereby the signaling device indicates when an unauthorized telephone call is in progress (see col. 2, ln 45 – col. 3, ln 6).

7. Claim 13 is rejected under 35 U.S.C. 103(a) as being unpatentable over Panosh (US Pat No. 5,559,874) as applied to claim 1 above, and further in view of Conklin et al (US Pat No. 5,991,881), herein after referred as Conklin.

Regarding claim 13, Panosh fails to teach the subsequent step of notifying the telephone company that an unauthorized call is in progress. However, Conklin teaches the subsequent step of notifying the telephone company that an unauthorized call is in progress (see col. 1, lns 50 – 65). Therefore, integrating Conklin's teachings into the system for preventing unauthorized call of Panosh would have been obvious to enable the central office to have appropriate action for preventing the intrusion.

8. Claim 14 is rejected under 35 U.S.C. 103(a) as being unpatentable over Panosh (US Pat No. 5,559,874) in view of Nataf (US Pat No. 5,889,836), and further in view of Conklin et al (US Pat No. 5,991,881).

Regarding claim 14, Panosh fails to teach the subsequent step of notifying the telephone company that an unauthorized call is in progress. However, Conklin teaches the subsequent step of notifying the telephone company that an unauthorized call is in progress (see col. 1, Ins 50 – 65). Therefore, integrating Conklin's teachings into the system for preventing unauthorized call of Panosh would have been obvious to enable the central office to have appropriate action for preventing the intrusion.

9. Claims 22 – 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Panosh (US Pat No. 5,559,874).

Regarding claims 22 – 23, Panosh fails to provide a telephone line data modem connected to the microcontroller circuit, and also connected to the telephone line, whereby the modem provides for digital communications between the microcontroller and the telephone network and a wireless RF transceiver connected to the microcontroller circuit, whereby the transceiver provides for communications indicating unauthorized call activity between the microcontroller and a wireless communications network. However, integrating the recited claimed feature into the system for preventing unauthorized call of Panosh is just an intended use.

Allowable Subject Matter

10. Claims 15-17 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Response to Arguments

11. Applicant's arguments filed 31 August 2004 have been fully considered but they are not persuasive.

As to claims 1 and 18, Applicant argues that Panosh does not teach the method of activating the switch hook of the device to go off hook. Examiner respectfully disagrees because similar to claimed invention, Panosh teaches a method in which the coil 76 of relay 62 (e.g., switch hook) is energized to make the relay 62 (e.g., switch hook) to change its state from an open state (e.g., on-hook) to a close state (e.g., off-hook) as shown in figure 2, column 4, lines 26-34 and column 5, lines 5-10. Examiner believes that manually or electronically making a relay or switch to change them from one state to another is activating the relay or switch. For the above reasons, Examiner's ground of rejection in view of Panosh is maintained.

12. Applicant's arguments with respect to claim 2 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Art Unit: 2642

13. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

14. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

The following patents are cited to further show the state of the art in general:

U.S. Pat. No. 4,937,854

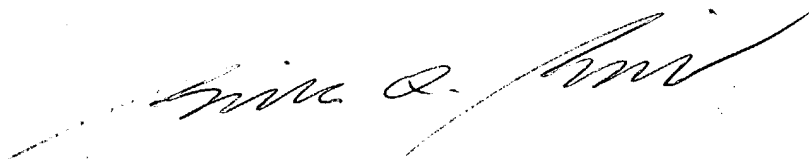
15. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Bing Bui whose telephone number is (703) 308-5858. The examiner can normally be reached on Monday through Thursday from 7:30 to 5:00.

Art Unit: 2642

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ahmad Matar, can be reached on (703) 305-4731. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306 and for formal communications intended for entry (please label the response ☐EXPEDITED PROCEDURE☐) or for informal or draft communications not intended for entry (please label the response "PROPOSED" or "DRAFT").

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-4700.

26 NOV 2004

A handwritten signature in black ink, appearing to read "Bing Q. Bui", is written over a horizontal line.

**BING Q. BUI
PRIMARY EXAMINER**